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FISCAL IMPACT STATEMENT

LS 6223

BILL NUMBER: SB 98

NOTE PREPARED: Nov 10, 2003

BILL AMENDED:

SUBJECT: Neglect of a Dependent.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes neglect of a dependent a Class A felony if the neglect results in the death of the dependent who is less than 14 years of age and is committed by a person at least 18 years of age. It provides that a school corporation may refuse to employ a person convicted of neglect of a dependent as a Class A felony. The bill also provides that consent to adoption is not required from a parent convicted of neglect of a dependent as a Class A felony, and it provides that reasonable attempts at reunification in a child in need of services proceeding are not required if a parent, guardian, or custodian has been convicted of neglect of a dependent as a Class A felony.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Under current law, neglect of a dependent, a Class D felony, occurs if the person places a dependent in a situation that endangers the dependent's life or health, abandons or cruelly confines a dependent, deprives a dependent of necessary support, or deprives a dependent of education as required by law. The offense becomes a Class C felony if the act results in bodily injury or a Class B felony if the act results in serious bodily injury. Under the bill, the offense (excluding deprivation of education) would be a Class A felony if the offense is committed by a person at least 18 years of age and results in the death of a dependent who is less than 14 years old.

A Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all

Class A felony offenders is approximately 9.1 years.

Background: On average between 1999 and 2003, there were 32 offenders a year committed to DOC facilities for Class D felony neglect of a dependent and 18 offenders a year committed for Class B felony neglect of a dependent. Between 2001 and 2003, on average, there were 10 offenders a year committed for the Class C offense. There are no data available to indicate if these offenders may have been convicted of the Class A felony under the bill. Additionally, in FY 2003, there were 12,308 substantiated reports of neglect according to Family and Social Services Agency statistics.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction, *Indiana FACT Statewide Report* for July 2002 through June 2003.

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